AN

ANSWER

TO

PAIN's RIGHTS OF MAN.

BY

JOHN ADAMS, Esq.

It is not a mechanical horror againſt the name of a King, or of Ariſtocracy, nor a phyſical antipathy to the ſound of an extravagant title, or to the ſight of an innocent riband, that can authoriſe a people to lay violent hands upon the Conſtitution. LETTER IV.

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THE following Letters were originally publiſhed in a Boſton newſpaper, called the COLUMBIAN SENTINEL, afterwards in the New York and other American papers. They are now republiſhed here, and recommended to the ſerious attention of thoſe who, with Mr. Pain and others, think Revolutions in Government ſo eaſily effected.

LETTER I.

MR. RUSSEL,

Boſton, 1791.

SIR,

THE late Revolution in France has opened an extenſive field of ſpeculation to the philoſopher and to the politician. An event ſo aſtoniſhing and unexpected in its nature, and ſo important in its conſequences, naturally arreſted the peculiar attention of the whole civilized world. The friends of liberty and of man have ſeen with pleaſure the temples of deſpotiſm levelled with the ground, and the Genius of Freedom riſing ſuddenly in his collected and irreſiſtible ſtrength, and ſnapping in an inſtant all the cords with which, for centuries, he had been bound. Upon the downfal of the arbitrary ſyſtem of government in France, there appears to have been but one ſentiment, and that a ſentiment of exultation; but while the friends of humanity have rejoiced at the emancipation of ſo many millions of their fellow creatures,

tures, they have waited with an anxious expectation to see upon what foundations they would attempt to eſtabliſh their newly-acquired liberty. The proceedings of their Repreſentative Aſſembly have been contemplated in very different points of view, by men of names equally illuſtrious, and of characters equally favourable to the cauſe of liberty. Among the publications which have appeared upon the ſubject, two pamphlets, founded upon very different principles, appear to have been received with the greateſt avidity, and ſeem calculated to leave the deepeſt impreſſion. The one written by Mr. Burke, which is one continued invective upon almoſt all the proceedings of the National Aſſembly ſince the Revolution, and which paſſes a ſevere and indiſcriminating cenſure upon almoſt all their tranſactions: The other the production of Mr. Pain, containing a defence of the Aſſembly, and approving every thing they have done, with applauſe as undiſtinguiſhing as is the cenſure of Mr. Burke.—We are told, that the copy from which an edition of this work was reprinted at Philadelphia, was furniſhed by the Secretary of State, and was accompanied by a letter, from which the following extract has been publiſhed in moſt of our newſpapers. "I am ex-
"tremely pleaſed to find that it is to be re-printed
"here, and that ſomething is at length to be pub-
"licly ſaid, againſt the *political hereſies* which have
"ſprung up among us. I have no doubt our citi-

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" zens will *rally* a ſecond time round the ſtandard of " *Common Senſe.*"

I confeſs, Sir, I am ſomewhat at a loſs to determine, what this very reſpectable gentleman means by *political hereſies.* Does he conſider this pamphlet of Mr. Pain's as the canonical book of political ſcripture? As containing the true doctrine of popular infallibility, from which it would be heretical to depart in one ſingle point. The expreſſions, indeed, imply more; they ſeem, like the Arabian prophet, to call upon all true believers in the *Iſlam* of democracy, to draw their ſwords, and, in the fervour of their devotion, to compel all their countrymen to cry out, " There is but one Goddeſs of Liberty, and Common " Senſe is her prophet."

" I have always underſtood, Sir, that the citizens of theſe States were poſſeſſed of a full and entire freedom of opinion upon all ſubjects, civil as well as religious; they have not yet eſtabliſhed any infallible criterion of *orthodoxy*, either in church or ſtate: their principles in theory, and their habits in practice, are equally averſe to that ſlavery of the mind, which adopts, without examination, any ſentiment that has the ſanction of a venerable name. " *Nullius in verba jurare magiſtri*" is their favourite maxim; and the only political tenet which they would ſtigmatize with the name of hereſy, would be that which ſhould attempt to impoſe an opinion upon their underſtandings upon the ſingle principle of authority.

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I believe alſo, Sir, that the citizens of America are not at preſent diſpoſed to rally round the ſtandard of any man. In the full poſſeſſion and enjoyment of all the freedom, for which they have gone through ſo arduous a conflict, they will not, for the poor purpoſe of extinguiſhing a few ſuppoſed political hereſies, return to the horrors of a civil conteſt, from which they could reap no poſſible benefit, and which would probably terminate in the loſs of that liberty for which they have been ſo liberal of their treaſure and of their blood.

If, however, Mr. Pain is to be adopted as the holy father of our political faith, and this pamphlet is to be conſidered as his Papal Bull of infallible virtue, let us at leaſt examine what it contains. Before we determine to join the ſtandard, let us inquire what are the articles of war to which our General requires our ſubmiſſion.—It is the glorious characteriſtic of truth, at once to invite and bid defiance to inveſtigation. If any opinions which have ſprung up among us have really led us aſtray from the ſtandard of *truth*, let us return to it, at the call of Mr. Pain, or of any other man who can ſhew us our errors. But Sir, if upon examination, even this teſtament of orthodoxy ſhall be found to contain many ſpurious texts, falſe in their principles and deluſive in their inferences, we may be permitted, notwithſtanding our reverence for the author, at leaſt to expunge the apocryphal doctrine, and to confine our faith to the genuine tenets of real political inſpiration.—It is

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my intention to ſubmit to the public a few obſervations, which have occurred to me upon the peruſal of this pamphlet, which has ſo clear and valid a title to the public attention.—But I muſt here obſerve, that I wiſh to avoid every appearance of diſreſpect, either to the real parent of this production, or to the gentleman who has ſtood its ſponſor in this country. Both theſe gentlemen are entitled to the gratitude of their countrymen; the latter ſtill renders important ſervices in a very dignified ſtation. He is a friend to free inquiry upon every ſubject, and he will not be diſpleaſed to ſee the ſentiments which he has made his own by a public adoption, canvaſſed with as much freedom as is conſiſtent with the reverence due to his character.

LETTER II.

SIR,

IN that part of Mr. Pain's pamphlet which he has choſen to call the miſcellaneous chapter, he obſerves that, " when a man in a long cauſe attempts to ſteer " his courſe by any thing elſe than ſome *polar truth or* " *principle*, he is ſure to be loſt." I have ſought for the polar principle to which his exertions were directed in this publication, and I muſt acknowledge I have ſought in vain. His production is hiſtorical, political, miſcellaneous, ſatirical, and panegyrical. It is an encomium upon the National Aſſembly of France. It is a commentary upon the rights of men, inferring queſtionable deductions from unqueſtionable principles. It is a ſevere ſatire upon Mr. Burke and his pamphlet upon the Engliſh Government, upon Kings, upon Nobility, and Ariſtocracy; it is a narrative of ſeveral occurrences, connected with the French Revolution, and it concludes with a kind of prophetical impulſe, in the expectation of an " *European Congreſs to patronize the progreſs of free government, and promote the civilization of nations with each other.*" The object which he promiſed to himſelf, in this publication, is not ſo dubious as the principle on which he wrote. His intention appears evidently to be, to convince the people of Great Britain that they have

neither Liberty nor a Conſtitution—that their only poſſible means to produce theſe bleſſings to themſelves, is to "topple down headlong" their preſent government, and follow implicitly the example of the French. As to the right, he ſcruples not to ſay, "that which a whole nation chuſes to do, it has a "right to do." This propoſition is a part of what Mr. Pain calls a ſyſtem of principles in oppoſition to thoſe of Mr. Burke, and it is laid down without any ſort of qualification. It is not my intention to defend the principles of Mr. Burke—truth is the only object of my purſuit, and I ſhall without heſitation refuſe my aſſent to every principle inconſiſtent with that, whether it proceeds from Mr. Burke, Mr. Pain, or even from the illuſtrious National Aſſembly of France. This principle, that a whole nation has a right to do whatever it pleaſes, cannot in any ſenſe whatever be admitted as true. The eternal and immutable laws of juſtice and of morality are paramount to all human legiſlation. The violation of thoſe laws is certainly within the power, but it is not among the rights of nations. The power of a nation is the collected power of all the individuals which compoſe it. The rights of a nation are in like manner the collected rights of its individuals; and it muſt *follow* from thence, that the powers of a nation are more extenſive than its rights, in the very ſame proportion with thoſe of individuals. It is ſomewhat remarkable that, in ſpeaking of the exerciſe of the particular right of forming a Conſtitution, Mr. Pain

himſelf denies to a nation that omnipotence which he had before ſo liberally beſtowed. For this ſame nation, which has a right to do whatever it pleaſes, has no right to eſtabliſh a Government in *hereditary ſucceſſion*.—It is of infinite conſequence, that the diſtinction between *power* and *right* ſhould be fully acknowledged, and admitted as one of the fundamental principles of Legiſlators. A whole nation, ſuch as France, England, or America, can act only by repreſentation; and the acts of the repreſentative body muſt be conſidered as the acts of the nation. We muſt go farther, and ſay, that the acts of the majority in the Repreſentative Aſſembly are the acts of the whole body, and conſequently of the whole nation. If, therefore, a majority thus conſtituted are bound by no law human or divine, and have no other rule but their ſovereign will and pleaſure to direct them, what poſſible ſecurity can any citizen of the nation have for the protection of his unalienable rights? The principles of liberty muſt ſtill be the ſport of arbitrary power, and the hideous form of deſpotiſm muſt lay aſide the diadem and the ſcepter, only to aſſume the party-coloured garments of democracy.

The ſyſtem of principles upon which Mr. Pain advances this aſſertion is intended to prove, that the Engliſh nation have a right to deſtroy their preſent form of Government, and to erect another. I am not diſpoſed to deny this right, nor is it at preſent neceſſary to examine whether Mr. Burke's opinions upon this ſubject are not directed rather againſt the

expediency

expediency than the abſtracted rights of ſuch a meaſure. It may, however, not be improper to trace the origin of Mr. Pain's arguments againſt the principles maintained by Mr. Burke. Doctor Price had aſſerted, that by "the principles of the Revo-"lution in 1688 the people of England had acquired "the right, 1. To chuſe their own Governors. 2. To "caſhier them for miſconduct; and, 3. To frame a "Government for themſelves." Mr. Burke endeavours to prove that the principles of the Revolution in 1688, ſo far from warranting any right of this kind, ſupport a doctrine almoſt diametrically oppoſite. Mr. Pain, in reply, cuts the Gordian knot at once, declares the Parliament of 1688 to have been downright uſurpers, cenſures them for having unwiſely ſent to Holland for a King, denies the exiſtence of a Britiſh Conſtitution, and invites the people of England to overturn their preſent Government, and to erect another upon the broad baſis of national ſovereignty, and government by repreſentation.—As Mr. Pain has departed altogether from the principles of the Revolution, and has torn up by the roots all reaſoning from the Britiſh Conſtitution, by the denial of its exiſtence, it becomes neceſſary to examine his work upon the grounds which he has choſen to aſſume. If we judge of the production from its apparent tendency, we may call it an addreſs to the Engliſh nation, attempting to prove that they have a right to form a new Conſtitution; that it is expedient for them immediately to exerciſe that right, and that,

in the formation of this Conſtitution, they can do no better than to imitate the model ſet before them by the French National Aſſembly. However immethodical his production is, I believe the whole of its argumentative part may be referred to theſe three points. If the ſubject were to affect only the Britiſh nation, we might leave them to reaſon and act for themſelves; but, Sir, theſe are concerns equally important to all mankind; and the citizens of America are called upon from high authority to *rally* round the *ſtandard* of this champion of Revolutions. I ſhall therefore now proceed to examine the reaſons upon which he founds his opinions relative to each of theſe points—

The people of England have, in common with other nations, a natural and unalienable right to form a Conſtitution of Government, not becauſe a whole nation has a right to do whatever it chooſes to do, but becauſe Government being inſtituted for the common ſecurity of the natural rights of every individual, it muſt be liable to alterations whenever it becomes incompetent for that purpoſe. The right of a people to legiſlate for ſucceeding generations derives all its authority from the conſent of that poſterity who are bound by their laws; and therefore the expreſſions of perpetuity uſed by the Parliament of 1688, contain no abſurdity—and expreſſions of a ſimilar nature may be found in all the Conſtitutions of the United States.

But

But, Sir, when this right is thus admitted in its fulleſt latitude, it muſt alſo be admitted, that it ought never to be exerciſed but in caſes of extreme urgency: Every nation has a right as unqueſtionable to diſſolve the bands of civil ſociety, by which they are united, and to return to that ſtate of individual imbecility in which man is ſuppoſed to have exiſted, previous to the formation of the ſocial compact. The people of America have been compelled, by an unaccountable neceſſity, diſtreſſing in its operation, but glorious in its conſequences, to exerciſe this right; and whenever a nation has no other alternative but the degradation of ſlavery, or the formidable conflict of a Revolution, the generous ſpirit of freedom will not heſitate a moment in the choice. Whether the people of France were, at the period of their Revolution, reduced to that unhappy ſituation, which rendered it abſolutely neceſſary to overthrow their whole ſyſtem to its foundation, is a queſtion upon which the ableſt patriots among themſelves have differed, and upon which we are inadequate to decide. Whether the people of England are now in that calamitous predicament? is a queſtion more proper for our diſcuſſion, and upon which I ſhall take the liberty to examine the reaſoning of Mr. Pain.

LETTER III.

SIR,

IN examining the queſtion, whether the Engliſh nation have a right, fundamentally to demoliſh their preſent form of government? it becomes neceſſary to inquire whether Mr. Pain's aſſertion that there is no ſuch thing as an Engliſh Conſtitution, be really true? This queſtion may, perhaps, in ſome meaſure affect the people of America. For if the government of Great Britain is an uſurpation, it may be worthy of conſideration how far we are bound by treaties, which do not reciprocally bind the inhabitants of that iſland.

"A Conſtitution," ſays Mr. Pain, "is not a "thing in name only but in fact. It has not an ideal, "but a real exiſtence; and wherever it cannot be pro- "duced in a viſible form, there is none." Mr. Pain ſhould have gone farther, and told us, whether, like a deed, it muſt be written on paper or parchment, or whether it has a larger latitude, and may be engraved on ſtone, or carved in wood? From the tenor of his argument it ſhould ſeem, that he had only the American Conſtitutions in his mind, for excepting them, I believe he would not find in all hiſtory, a government which will come within his definition; and of courſe, there never was a people that had a

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Conſtitution, previous to the year 1776. But the word with an idea affixed to it, had been in uſe, and commonly underſtood, for centuries before that period, and therefore Mr. Pain muſt, to ſuit his purpoſe, alter its acceptations, and in the warmth of his zeal for Revolutions, endeavour to bring about a revolution in language alſo. When all the moſt illuſtrious Whig writers in England have contended for the liberty of their country upon the principles of the Engliſh Conſtitution; when the glorious Congreſs of 1774 declared, that "the inhabitants of the "Engliſh Colonies in North America were entitled "to certain rights by the immutable laws of nature, "*the principles of the Engliſh Conſtitution*, and the ſe-"veral charters or compacts," they knew very well what they meant, and were perfectly underſtood by all mankind. Mr. Pain ſays, that "a Conſtitution "is to a Government, what the laws, made afterwards "by that Government, are to a court of judicature." But when the American States, by their Conſtitutions, expreſsly adopted the whole body of the *common law*, ſo far as it was applicable to their reſpective ſituations, did they adopt nothing at all, becauſe that law cannot be produced in a viſible form? No, Sir, the Conſtitution of a country is not the paper or parchment upon which the compact is written, it is the ſyſtem of fundamental laws, by which the people have conſented to be governed, which is always ſuppoſed to be impreſſed upon the mind of every indivi-

dual, and of which the written or printed copies are nothing more than the evidence.

In this ſenſe, Sir, the Britiſh nation have a Conſtitution; which was for many years the admiration of the world; the people of America, with very good reaſon, have renounced ſome of its defects and infirmities. But in defence of ſome of its principles, they have fought and conquered. It is compoſed of a venerable *ſyſtem* of unwritten or cuſtomary laws, handed down from time immemorial, and ſanctioned by the accumulated experience of ages; and of a body of ſtatutes enacted by an authority lawfully competent to that purpoſe. Mr. Pain is certainly miſtaken, when he conſiders the Britiſh government as having originated in the conqueſt of William of Normandy. This principle of being governed by an oral or traditionary law, prevailed in England eleven hundred years before that invaſion. It has continued to this day, and has been adopted by all the American States. I hope they will never aboliſh a ſyſtem ſo excellent, merely becauſe it cannot be produced in a viſible form. The Conſtitution of Great Britain is a Conſtitution of *principles*, not of *articles*, and however frequently it may have been violated by tyrants, monarchial, ariſtocratical, or democratical, the people have always found it expedient to reſtore the original foundation, while from time to time they have been ſucceſsful in improving and ornamenting the building.

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The people of England are bound therefore by a ſocial compact now exiſting; and they have no right to demoliſh their Government, unleſs it be clearly incompetent for the purpoſes for which it was inſtituted. They have delegated their whole collective power to a Legiſlature, conſiſting of a King, Lords, and Commons, and they have included even the power of altering the Conſtitution itſelf. Should they abuſe this power ſo that the nation itſelf ſhould be oppreſſed, and their rights to life, liberty, and property, inſtead of protection, ſhould meet with tyranny, the people would certainly be entitled to appeal in the laſt reſort to themſelves, to reſume the truſt which has been ſo unworthily betrayed, and (not to do whatever they ſhould chooſe, but) to form another Conſtitution, which ſhould more permanently ſecure the natural rights of the whole community. The ſame may be ſaid of the National Aſſembly of France, who, according to Mr. Pain's idea, are poſſeſſed of the whole collective power of the nation, and who ſeem, like him, to think they have a right to do whatever they chooſe. Mr. Pain ſays, that "the au-"thority of the preſent Aſſembly is different to what "the authority of future Aſſemblies will be." But if the preſent Aſſembly ſhould decree that all future National Aſſemblies ſhould poſſeſs the ſame power with themſelves, it would certainly be binding as an article of the Conſtitution. Mr. Pain, indeed, will not acknowledge this, and it is the ſecond right which

he denies his nation, which at the ſame time has a right to do every thing. Mr. Pain's ideas upon this ſubject appear to have been formed by a partial adoption of the principle upon which Rouſſeau founds the ſocial compact. But neither the principle of Rouſſeau, nor that of Mr. Pain, is true. Rouſſeau contends that the ſocial compact is formed by a perſonal aſſociation of individuals, which muſt be unanimouſly aſſented to, and which cannot poſſibly be made by a repreſentative body. I ſhall not at preſent ſpend my time in ſhewing that this is neither practicable nor even metaphyſically true. I ſhall only obſerve, that its operation would annihilate in an inſtant, all the power of the National Aſſembly, and turn the whole body of the American Conſtitutions, the pride of man, the glory of the human underſtanding, into a maſs of tyrannical and unfounded uſurpations. Mr. Pain does not go quite ſo far, but we muſt examine whether his arguments are not equally wide from the truth. "A Government," ſays he, "on the principles on which conſtitutional Go-"vernments ariſing out of ſociety are eſtabliſhed, can-"not have the right of altering itſelf. Why not? Be-"cauſe if it had, it would be arbitrary." But this reaſon is not ſufficient. A nation in forming a ſocial compact may delegate the whole of their collective powers to ordinary legiſlatures, in perpetual ſucceſſion, and reſerve only the right of refuſing the abuſe of thoſe powers; and every other queſtion relative to the reſervation of powers to the nation, muſt be

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only a queſtion of expediency. The ſame power which the preſent National Aſſembly poſſeſs in France, is, by the Engliſh Conſtitution, conſtantly veſted in the King and Parliament of Great Britain; and the people in both kingdoms have the ſame right to reſiſt and puniſh the abuſe of that power.

Surely, Sir, the people of the United States have a Conſtitution, although they have given the power of making alterations to thoſe by whom it is adminiſtered, in conjunction with the State Legiſlatures. Surely, the people of Maſſachuſets have a Conſtitution, though it provides for certain alterations by the ordinary Legiſlatures, and though, ſince it was formed, ſuch alterations have accordingly been made. The Conſtitutions of ſeveral of the United States are expreſsly made alterable in every part by their ordinary Legiſlatures. I think there is not one of them but admits of alterations without recurring to "the nation in its original "character." Yet Mr. Pain will ſurely acknowledge, that the American Conſtitutions aroſe out of the people, and not over them. His principles, therefore, "that a Conſtitutional Government cannot "have the right of altering itſelf," is not true. In forming their Conſtitution, a nation may reſerve to themſelves ſuch powers as they may think proper. They may reſerve only the unalienable right of reſiſtance againſt tyranny.—The people of England have reſerved only this right. The French National Aſſembly have been in ſeſſion more than

two years to make laws nominally paramount to their future Legiſlatures. I ſhall hazard ſome obſervations upon this ſubject, when I attempt to follow Mr. Pain through his compariſon between the French and Engliſh Conſtitutions. But as the Engliſh have delegated all their power, I contend they have no right in their original character to change their form of Government, unleſs it has become incompetent for the purpoſes for which all Governments are inſtituted. I am aware of the queſtion which will occur here—Who is to judge of this incompetency? and I am aware of the triumphant manner in which it may be aſked. But a triumph is not my object, and in the purſuit of truth I ſhall venture in my next number to conſider this ſubject.

LETTER IV.

SIR,

I HAVE assumed for a principle, that the English nation, having delegated all their collective power, have no right in their original character to change their form of Government, unless it has become absolutely inadequate to the purposes for which it was instituted. The people themselves must, from the necessity of the case, be the judges of this fact; but if, in forming this judgement, and acting in pursuance of it, they proceed from passion, and not from principle; if they dissolve their compact, from an idea that "they have a right to do what-"ever they choose," and break the bands of society, in the forms of despotism, "because such is their "pleasure," they may indeed go through the operation by the plenitude of their irresistible power; but the nation will meet with ample punishment in their own misery, and the leaders who delude them, in the detestation of their own posterity. It is not by adopting the malignity of a political satyrist, by converting the sallies of wit into the maxims of truth or justice, or by magnifying trivial imperfections into capital crimes, that a nation will be justified in resorting to its original strength, to contend against its delegated power.

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It is not a mechanical horror againſt the name of a king, or of ariſtocracy, nor a phyſical antipathy to the ſound of an extravagant title, or to the ſight of an innocent riband that can authoriſe a people to lay violent hands upon the Conſtitution, which protects their rights, and guards their liberties. They muſt feel an actual deprivation of their equal rights, and ſee an actual impoſſibility for their reſtoration in any other manner, before they can have a right to lay their hands on their ſwords, and appeal to Heaven. Theſe are not the principles of ſlavery; they are the tenets of the only genuine liberty, which conſiſts in a mean equally diſtant from the deſpotiſm of an individual, as of a million. They are ſanctioned by our own uniform example, and will, I truſt, never be departed from by the moſt enlightened, and moſt virtuous people on the globe. For ſixteen years the people of America endured a continual ſucceſſion of every indignity, which the pride of dominion, the inſolence of power, and the rapacity of avarice, could inflict upon them, before they could reſolve to renounce an authority three thouſand miles diſtant from them; and even then, they were ſo far from thinking they had a right to do whatever they choſe, that by the very act which renounced their connection with Great Britain they expoſed to the world their own ſufferings, and the various acts of tyranny which had compelled them "to acquieſce in the neceſſity

"which

" which denounced the ſeparation," and " appealed " to the Supreme Judge of the world for the rec- " titude of their intentions." No, Sir, the venerable character who drew up this declaration never could believe that the rights of a nation have no other limits than its powers. Since the Revolution, the people of the United States have again been compelled to form a national Government, and in its formation proceeded in the ſame ſpirit. The confederation was found totally incompetent for the purpoſes for which it was inſtituted ; not from an abuſe of the delegated powers, in thoſe by whom it was adminiſtered, but becauſe ſcarcely any powers at all had been given. The inefficiency of that ſyſtem had long been fully demonſtrated, and had reduced us to extreme diſtreſs. The States, united but in name, were upon the verge of general bankruptcy.—Their credit, ſunk to the loweſt ebb, was upon the point of expiring, and their exhauſted treaſury gave perpetually the lie to their public faith, ſo often and ſo ſolemnly pledged. The forcible ties of a common intereſt, directed to one great object during the war, were greatly looſened by the accompliſhment of that object, and the ſeeds of mutual hoſtility were ſown by the partial commercial regulations of the reſpective States. The revenue laws which had been enacted in ſeveral of the States were not able to ſupport their credit, and yet were ſo unequal in their operation, that numerous bodies of men, in more than one of the States, appeared in open

rebellion againſt the mildeſt governments that ever were inſtituted. Inſtead of the glorious reward which the people had expected for their virtuous exertions, internal diſcord, and infamy abroad, preſented themſelves in dreary perſpective before them. At that critical period, when the ſyſtem to be annihilated was an empty name, and there was only a Government to be formed, the national Conſtitution was preſented to the people of America "in their "original character;" and even then its exiſtence was to depend upon the aſſent of nine States, that is, two thirds of the people. Very fortunately it has at length been freely adopted by all the members of the Union; but the extreme difficulty which impeded the progreſs of its adoption, and the various amendments, which, in many of the States, were in a manner made the condition of their aſſent, exhibit the fulleſt evidence, what a more than Herculean taſk it is to unite the opinions of a free people, upon any ſyſtem of government whatever.

Under the ſanction of ſuch authority, I venture to aſſert that the people of England have no right to deſtroy their government, unleſs in its operation the rights of the people are really oppreſſed, and unleſs they have attempted in vain every conſtitutional mode of obtaining redreſs. Theſe principles ought to operate with peculiar force upon the people of England, becauſe, in the uncertain and hazardous event of a revolution, they have more to

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loſe, and leſs to gain, than any other European nation, and becauſe whatever they may acquire muſt, in all probability, be purchaſed at the expence of a civil war. When proviſion is made for the alteration of a conſtitution, otherwiſe than by the common legiſlative power, it may be done comparatively without difficulty or danger; but where this power is already delegated, with the other powers of legiſlation, the people cannot uſe it themſelves, except in their original, individual, unrepreſented character, and they cannot acquire the right to act in that capacity, until the power which they have thus conveyed in truſt, has been abdicated by the extreme abuſes of its adminiſtration.

When Mr. Pain invited the people of England to deſtroy their preſent Government and form another Conſtitution, he ſhould have given them ſober reaſoning and not flippant witticiſms. He ſhould have explained to them the nature of the grievances by which they are oppreſſed, and demonſtrated the impoſſibility of reforming the Government in its preſent organization. He ſhould have pointed out to them ſome poſſible method for them to act in their original character, without a total diſſolution of civil ſociety among them; he ſhould have proved what great advantages they would reap as a nation from ſuch a revolution, without diſguiſing the great dangers and formidable difficulties with which it muſt be attended.

The principal and moſt dangerous abuſes in the Engliſh Government ariſe leſs from the defects in-

herent in the Conſtitution, than from the ſtate of ſociety; the univerſal venality and corruption which pervades all claſſes of men in that kingdom, and which a change of government could not reform. I ſhall conſider this ſubject more largely hereafter; but at preſent, with reſpect to the expediency of a revolution in England, I muſt inquire how the nation can be brought to act in their original character? Mr. Pain, perhaps, from the delicacy of his ſituation, has ſaid nothing openly upon this very important point. Yet, in two different parts of his work, he ſeems obſcurely to hint two methods for the accompliſhment of this object. When he compares the ſituation of the citizens of London to that of the inhabitants of Paris juſt before the taking of the Baſtille, it ſeems as if it was with an intention to recommend a ſimilar inſurrection for the purpoſe of diſperſing the Parliament, and expelling the King, which would leave the nation without any Government at all, and compel them at all events to act in their original character. When he adviſes "Revolutions by accommodation," he muſt probably mean, that a convention ſhould be called by act of Parliament to regenerate their Conſtitution. I cannot imagine any other method of anſwering his purpoſe. Mr. Pain ſeems to think it as eaſy for a nation to change its government, as for a man to change his coat; but I confeſs, both the modes of proceeding which he ſuggeſts appear to me to be liable to great objections.

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LETTER V.

SIR,

"THERE are in all European countries," says Mr. Pain, "a large class of people of that "description, which in England are called the *mob*." It was by the people of this description that the Bastille in Paris was destroyed. In London there is no Bastille to demolish; but there is a government to overturn; and there is a King and Parliament, who must either be put to flight, or compelled to call a convention for the purpose of forming a Constitution. "In the commencement of a Revolution those men are rather the followers of the *camp* than of the *standard* of liberty, and have yet to be instructed how to reverence it." As these men were made instrumental to the accomplishment of the Revolution in France, Mr. Pain appears to intimate that they may be employed for a similar purpose in England. I am as little disposed as Mr. Pain can be, to reproach either the whole nation to which they belong, or that unhappy class of human beings themselves, for the devastation which they commit. They cannot be considered as free agents, and therefore are neither the subjects of praise or blame; but the friend of humanity will be extremely cautious how

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he ventures to put in action a tremendous power, which is competent only to the purposes of destruction, and totally incapable either to create or to preserve. This class of men, of whom it is the happiness of Americans scarcely to be able to form an idea, can be brought to act in concert upon no other principles than those of a frantic enthusiasm and ungovernable fury; their profound ignorance and deplorable credulity make them proper tools for any man who can inflame their passions, or alarm their superstition; and as they have nothing to lose by the total dissolution of civil society, their rage may be easily directed against any victim which may be pointed out to them. They are altogether incapable of forming a rational judgement either upon the principles or the motives of their own conduct; and whether the object for which they are made to contend, be good or bad, the brutal arm of power is all the assistance they can afford for its accomplishment. To set in motion this inert mass, the eccentric vivacity of a madman is infinitely better calculated than the sober coolness of phlegmatic reason. They need only to be provoked and irritated, and they never can in any other manner be called into action. In the year 1780, they assembled at London to the number of 60,000, under the direction of Lord GEORGE GORDON, and carrying fire and slaughter before them, were upon the point of giving the whole city of London to one undistinguished devastation and destruction: and this, because the Parliament had

had mitigated the ſeverity of a ſanguinary and tyrannical law of perſecution againſt the Roman Catholics. Should theſe people be taught that they have a right to do every thing, and that the titles of Kings and Nobles, and the wealth of Biſhops, are all uſurpations and robberies committed upon them, I believe it would not be difficult to rouſe their paſſions, and to prepare them for every work of ruin and deſtruction. But, Sir, when they are once put in motion, they ſoon get beyond all reſtraint and controul. The rights of man, to life, liberty, and property, oppoſe but a feeble barrier to them; the beauteous face of nature, and the elegant refinements of art, the hoary head of wiſdom, and the enchanting ſmile of beauty, are all equally liable to become obnoxious to them; and as all their power conſiſts in deſtruction, whatever meets with their diſpleaſure muſt be devoted to ruin. Could any thing but an imperious, over-ruling neceſſity juſtify any man, or body of men, for uſing a weapon like this to operate a Revolution in Government? Such indeed was the ſituation of the French National Aſſembly, when they directed the electric fluid of this popular frenzy againſt the ancient fabric of their monarchy. They juſtly thought that no price could purchaſe too dearly the fall of arbitrary power in an individual, but, perhaps, even *they* were not aware of all the conſequences which might follow from committing the exiſtence of the kingdom to the cuſtody of a lawleſs and deſperate rabble.

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But do the people of Englond labour under ſuch intolerable oppreſſion, as would authoriſe any of their patriots to employ an arm like this for their relief? Suppoſe ſixty thouſand men ſhould again aſſemble round Weſtminſter-hall, and with clubs and fire-brands for their ſole arguments, ſhould compel the Parliament to call a convention to make a Conſtitution, what would be the probable conſequences? Is it clear that ſo large a majority of the people of England have loſt all their attachment to their Conſtitution, as to inſure an acquieſcence in the meaſure throughout the kingdom? Is it certain that one quarter part of the people would obey an act extorted by ſuch violence as that? Would not all friends of the preſent Government rally round the ſtandard of the Conſtitution, and would not their duty compel them to defend it with their lives and fortunes? If it ſhould ſoon appear that they were decidedly the ſtrongeſt party, would not the inſurrection be extinguiſhed in the blood of its leaders? If the parties ſhould prove to be nearly equal, would not the nation be involved in all the horrors of a long and bloody civil war? In whatever point of view, the effects of this ſcheme are contemplated, they preſent nothing but proſpects at which every friend of mankind muſt ſhudder; nor can I poſſibly believe that Mr. Pain, who is certainly a benevolent man, would deliberately recommend this method, though, in his ardent zeal for the honour of the

French nation, and the propagation of their doctrine, he has incautiouſly ſuggeſted it.

But he recommends Revolutions by accommodation; which, applied to England, muſt mean that a convention be called by a free and deliberate act of Parliament, to alter the Conſtitution; but this plan appears to be equally dangerous with the other, and more impracticable; while, by a ſingular fatality, an act of this kind would be the completeſt evidence of of its own inutility, it would be equally dangerous, becauſe by a formal act of competent authority it would expoſe the kingdom to all the evils of anarchy and of war, which in the other caſe would reſult from a popular convulſion. It would be leſs practicable, becauſe it is contrary to nature, that any body of men ſhould venture to perform the moſt tranſcendent act of power of which human beings are capable, for the ſingle purpoſe of diveſting themſelves of all power whatever. It would prove its own inutility, becauſe no man will preſume that they ought to take ſuch a meaſure, unleſs the wiſhes of a clear and decided majority of the people are favourable to an alteration of the Government. If they are diſpoſed to act in conformity with the deſires of the people, the very ſame power which would authoriſe them to diſſolve the Government, would likewiſe juſtify them in making any alterations which would meet with the wiſhes of the nation, and would render a recurrence to them "in their original character" perfectly unneceſſary.

Whatever Mr. Pain's opinion may be with reſpect to the exiſtence of an Engliſh Conſtitution, it is certain that every member of the Britiſh Parliament who gives his vote in the making of a new law, or the alteration of an old one, muſt ſuppoſe that he acts by virtue of a Conſtitutional right veſted in him; but the ſame right which authoriſes him to give his ſuffrage in the moſt trifling object of legiſlation, has veſted in the Parliament, of which he is a member, the whole power of the Britiſh nation, and he cannot poſſiby deny their right without utterly deſtroying his own. The right of the individual depends altogether upon the right of the corporation, and his right to vote for the regulation of a turnpike, or the toll of a bridge, is the ſame with theirs to make every neceſſary and convenient alteration in the Conſtitution of the kingdom itſelf. While they are thus convinced of their right to exerciſe theſe great powers, would it not be the ſummit of extravagance and folly in them, nay, would it not be the moſt flagrant breach of the truſt repoſed in them, of which they could poſſibly be guilty, to abdicate an authority lawfully committed to them, to declare themſelves altogether incompetent to a wiſe and prudent uſe of a Conſtitutional power, and to commit the peace, the welfare, the very exiſtence of the nation, to the uncertain and hazardous event of a Revolution.

If, however, we can ſuppoſe that the Parliament ſhould finally accede to the idea, that they are mere tyrants without the ſhadow of a right to the autho-

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rity which they have hitherto exerciſed, the only act which they could agree to, would be a vote to diſſolve themſelves, and leave the veſſel of the ſtate without either a pilot or a rudder. For the very act of calling a convention would be an uſurpation, and, from the importance of its conſequences, an uſurpation of the moſt daring nature: it would be aſſuming the right to diſſolve the ties of ſociety, and at the ſame inſtant acknowledging that this aſſumed right was without any ſort of foundation. In ſhort, this plan of calling a convention to alter the Conſtitution, by act of Parliament, appears to me, in whatever light it is conſidered, to involve an abſurdity,

But, as there is unqueſtionably ſomewhere in England, a combination of the right and of the power to alter the Conſtitution of the country, and as that Conſtitution is indubitably liable to be improved, we may be permitted to inquire, whether a blind imitation of the French National Aſſembly would probably promote the happineſs of the people, the only objects for which all Governments were inſtituted, or which can authoriſe their alteration.

LETTER VI.

SIR,

MR. Pain affirms that the French nation have a Conſtitution, and that the Engliſh have none. I have already offered a few obſervations upon the latter part of this aſſertion; but, as a preliminary to ſome remarks which I propoſe to make upon his compariſon, I muſt premiſe, that directly the reverſe of his opinion upon this ſubject is the truth, and that in reality the Engliſh nation have a Conſtitution, and the French as yet have none. The National Aſſembly have indeed been conſtantly ſitting theſe two years, to form a Conſtitution; and at the ceremony of the Federation about eleven months ſince, they ſwore themſelves and their King to the obſervance of a Conſtitution *to be made*. But as they are ſtill poſſeſſed of the whole power of the nation, they may repeal any article upon which they have hitherto agreed, by virtue of the ſame authority, which enabled them to paſs the decree, and, therefore, according to Mr. Pain's own ideas, the French cannot be ſaid to have a Conſtitution, until the National Aſſembly ſhall pleaſe to diſſolve themſelves, and to put their whole ſyſtem into full operation.

I have endeavoured to ſhow that it is not abſolutely eſſential to the exiſtence of a Conſtitution, that it

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ſhould be producible " in a viſible form." The period of time when the foundations of the preſent Engliſh Government were laid by the aſſociation of the people in " their original character" cannot, indeed, be aſcertained. Many of the laws which are in uſe to this day in Great Britain, and from thence have been adopted by the American Republics, may be traced back to the remoteſt period of antiquity, and the origin even of the inſtitution of Juries, an inſtitution ſo congenial to the genuine ſpirit of freedom, is loſt in the obſcurity of the fabulous ages. Many of the fundamental principles of the Engliſh Conſtitution are known to have exiſted long before the invention of printing, and even before the inhabitants of Britain were acquainted with the uſe of letters, and it would therefore be an abſurdity to require that the original articles ſhould be produced " in a viſible " form." But " *ex nihilo, nihil fit,*" the very exiſtence of theſe principles proves the formation of a ſocial compact previous to that exiſtence, and the ſpirit of liberty, which is their diſtinguiſhing characteriſtic, affords internal evidence, that they did not originate in the mercileſs deſpotiſm of a conqueror, but in the free and unreſtrained conſent of a manly and generous people. It will not be ſaid that an original compact was never formed, becauſe it is not recorded in the page of hiſtory; as well might it be pretended that the pyramids of Egypt aroſe ſelf-created from the earth, becauſe the time of their erection, and the names of their builders have been conſigned to that

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oblivion in which all human labours are deſtined to be overwhelmed.

William of Normandy, to whom Mr. Pain always refers the origin of the Engliſh Government, was the conqueror only of Harold. He obtained the crown of England by popular election, upon the expreſs condition that he would govern the nation according to her ancient laws and cuſtoms; he took the ſame oath at his coronation which had been taken by his predeceſſors, and by his laſt will, after bequeathing the province of Normandy to his eldeſt ſon Robert, he expreſsly acknowledged that he did not poſſeſs the kingdom of England as an inheritance, and only recommended his ſon William as his ſucceſſor. It would be altogether unneceſſary at this time to diſcuſs the queſtion whether the crown of England was originally hereditary or elective, but the facts which I have here ſtated, and which are warranted by all the moſt ancient and moſt authentic Engliſh hiſtorians, fully demonſtrate that the Engliſh Government did not originate in the Norman conqueſt. "If "the ſucceſſion runs in the line of the conqueſt, *the* "*nation* runs in the line of being conquered, and it "ought to reſcue itſelf from this reproach," ſays Mr. Pain. "The victory obtained at Haſtings not "being a victory over *the nation collectively*, but only "over the perſon of Harold, the only right that the "conqueror could pretend to acquire thereby, was the "right to poſſeſs the crown of England, not *to alter* "*the nature of the Government*," ſays Judge Blackſtone,

ſtone, (1 Comm. 199.) Upon a queſtion of fact relative to the Engliſh Conſtitution, Blackſtone is, I believe, as good an authority as Mr. Pain, but I wiſh not to reſt the queſtion upon any authority whatever: I venture to affirm, that any man who will coolly and impartially examine the ſubject, and appeal to the original ſources of information, will acknowledge that thoſe who derive the origin of the Engliſh Government from William the Conqueror, can do it upon no other principle than that of ſupporting a ſyſtem.

It is not, however, neceſſary upon the preſent occaſion to revive a queſtion which has been diſcuſſed among the Engliſh with all the acrimony of faction. Mr. Pain has choſen the ground which was not found tenable by the ſlaviſh ſupporters of paſſive obedience and the divine right of Kings. They took it originally, becauſe it was neceſſary to them for the ſupport of their ſyſtem, and they were driven from it by the friends and ſupporters of equal liberty. Mr. Pain found it neceſſary to ſupport a doctrine of a very different nature; and adopting the maxim, that it is lawful to learn, even from our enemies, he has freely borrowed from them the practice of accommodating the facts of hiſtory to his political purpoſes.

Be that, however, as it may, the Parliament of Great Britain, from time to time, have enacted certain laws, which, from their ſuperior importance, have been denominated Conſtitutional; the acquieſcence of the people, to whom moſt of thoſe laws have been ex-

tremely ſatisfactory, gives them at leaſt as good a ſanction as the Conſtitution of France has obtained. The National Aſſembly were not originally choſen to form a Conſtitution. They were called together as States General, under the authority of another Conſtitution, ſuch as it was. They aſſumed the power to diſſolve the old Conſtitution, and to form another, and the acquieſcence of the people has confirmed their aſſumption. At all events, therefore, their Conſtitution ſtands upon no better ground than the acts of the Britiſh Parliament.

If, then, the Parliament of Great Britain have a right to declare what ſhall be the ſupreme law of the land, they will be able to produce a ſyſtem of Conſtitutional law, even according to Mr. Pain's wiſh, "in "a viſible form." This ſyſtem is contained in a number of ſtatutes, enacted not at one time, or by one body of men, but at divers times, according to the occaſional convenience of the people, and by a competent authority. Theſe ſtatutes contain the principles upon which the Engliſh Government is founded, and are therefore proper objects of compariſon with the Conſtitution which is to be the ſupreme law of the land in France. The compariſons which Mr. Pain has drawn are not partially favourable to his native country. We ſhall inquire whether they are perfectly conſiſtent with truth.

LETTER VII.

SIR,

BY the Engliſh Conſtitution, the whole collective power of the nation is delegated, and the Conſtitution itſelf is alterable by the ſame authority which is competent to the common purpoſes of legiſlation.

The French are to have a Conſtitution, every part of which will be nominally beyond the controul of their common legiſlatures, and which will be unalterable in all parts, except by the nation in its "original character." At leaſt Mr. Pain has undertaken to anſwer for them that it will be ſo: although I have not ſeen any ſuch article in the Conſtitution, and though perhaps it has not yet been decreed, I am willing to take Mr. Pain's word for the fact, and to conſider the ſubject as if it were already determined.

I have made ſome obſervations upon Mr. Pain's arguments, as they reſpect the right of a nation to delegate all their power. As a queſtion of expediency, it may perhaps be more difficult to determine, which of theſe two ſchemes contains the leaſt evil. Both of them are ſupported by the example of ſeveral among the American States, and can therefore boaſt the ſanction of authorities equally reſpectable.

The fundamental principle upon which ſociety is formed appears to be, in order that the power of the whole may be rendered ſubſervient to the intereſts of the whole. The problem to ſolve is, in what manner the power ſhall be diſtributed, ſo as moſt effectually to anſwer that purpoſe? Conſidering the extreme difficulty with which a whole nation can be brought to act in their original character, it ſhould ſeem, that wiſdom muſt dictate to them the neceſſity of delegating their whole power in ſuch a manner as that it may be rendered beneficial to the nation, becauſe whatever power is retained by the people, cannot be exerciſed for their advantage any more than to their injury. The queſtion therefore occurs, why a nation ſhould not delegate all its powers? Mr. Pain has beſtowed very little conſideration upon this ſubject; I find, that although he gives his own opinion very freely, he offers only two reaſons to ſupport it. One, becauſe "ſuch a Government would "be arbitrary:" the other, becauſe "there is a pa-"radox in the idea of vitiated bodies reforming "themſelves." In the ſenſe in which the word arbitrary is here uſed, the firſt argument attacks the foundation of civil ſociety itſelf; for whenever a number of individuals aſſociate together, and form themſelves into a body politic, called a nation, the poſſeſſion and the uſe of the whole power (which is not, however, arbitrary power) is the very object of their aſſociation. This power muſt exiſt ſomewhere, and I cannot ſee the reaſon why it ſhould not exiſt for

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the benefit of the people.—But whenever a Conſtitution is made unalterable by the common legiſlative authority, the nation do in reality abdicate all the powers which they are ſaid to retain, and declare that very important powers ſhall at all events be uſeleſs to them, from an apprehenſion that they might poſſibly be abuſed to their injury.—It is as if a man ſhould bind himſelf never to wear a ſword, leſt he ſhould turn it againſt his own breaſt.—The only reaſon why the whole power of a nation ſhould not be delegated, muſt ariſe from the danger of its being abuſed: and a melancholy experience has always ſhown, that when the whole power has been thus delegated to one man, or to one body of men, it has invariably been groſsly abuſed, and the ſword of the people has been turned into a dagger againſt them. From the preſſure of thoſe evils, many nations have been induced expreſsly to forbid their governments the uſe of certain powers, without conſidering that the impotence of their ſupreme authority would certainly be very prejudicial to them, and perhaps as fatal as the abuſe of power. This experiment has repeatedly been made; it has frequently failed: and I believe, that after ſeveral more experiments ſhall fully demonſtrate the ill policies of thus annihilating the power of the nation, it will be clearly ſeen, that all the powers of the people ought to be delegated for their benefit, and that their true intereſt conſiſts in the diſtribution of thoſe powers in ſuch a manner

as ſhall, in its own operation, guard againſt the abuſes which alone are dangerous to the people.

The Conſtitution of the United States appears to me to unite all the advantages, both of the French and of the Engliſh, while it has avoided the evils of both. By that Conſtitution, the people have delegated the power of alteration, by veſting it in the Congreſs, together with the State Legiſlatures; while at the ſame time it has provided for alterations by the people themſelves in their original character, whenever it ſhall evidently appear to be the wiſh of the people to make them. This article appears to be replete with wiſdom; I believe it will ſtand the teſt of the ſevereſt examination, though, according to the ideas emanating from Mr. Pain, and coming to us, at the ſame time, by reflection from the Secretary of State, it contains a very dangerous political hereſy.

It is a maxim which will not, I truſt, be diſputed, that no Government, of which the people is not a conſtituent part, can ſecure their equal rights; but where this is the caſe, to cramp the operations of their own Government with unneceſſary reſtrictions, and forbid themſelves to enact uſeful laws, what is it but to defeat the purpoſes of ſociety, by the very act which gives it a permanent exiſtence; to tie their own hands from an imaginary apprehenſion, that if left at liberty, they would adminiſter poiſon to the body which nouriſhes them.

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It is in the diſtribution of the national powers, it is in the independent ſpirit of the people, and not in the manuſcript limitations of the legiſlative authority, that a nation is to ſecure the protection of its liberties.---In this commonwealth we have a Conſtitution, moſt parts of which are unalterable by our ordinary Legiſlatures; it has exiſted but ten years: and already its operation has convinced us all, that ſeveral alterations in the ſyſtem would be highly expedient. ---Our Legiſlative body would be fully competent to the purpoſe, and, if they had the power, would readily make ſuch alterations as might ſuit the convenience of the people; but they have no authority to act in theſe caſes for the benefit of the people; and as the inconveniencies to which this injudicious jealouſy has ſubjected us, are not at this time of ſuch importance, as to render the alterations of immediate or abſolute neceſſity, we muſt wait our appointed time, and patiently ſubmit to the operation of bad laws, becauſe we have not choſen to inveſt our Legiſlature with the power of making good ones. Let us not be frightened, however, from the purſuit of our common intereſt by the words arbitrary power. Diſtribute the whole of your power in ſuch a manner, as will neceſſarily prevent any one man, or body of men, or any poſſible combination of individual intereſts, from being arbitrary, but do not incumber your own repreſentatives with ſhackles, prejudicial to your own intereſts; nor ſuffer yourſelves, like the Spaniſh Monarch of ridiculous memory, to be roaſted to death,

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by denying to your ſervants the power of removing the fire from before you.

But although a Conſtitution, profeſſedly unalterable by the common legiſlative authority, is of weight ſufficient to prevent the enacting of many good laws, yet it will not always operate as a check upon your legiſlature. Such is the poverty of all human labours, that even a whole nation cannot expreſs themſelves upon paper with ſo much accuracy and preciſion, as not to admit of much latitude of explanation and conſtruction. The Legiſlature muſt always be allowed to judge of the intentions with which the inſtrument was formed, and to conſtrue and explain accordingly the expreſſions which it contains. They ſometimes think proper to violate the letter of the Conſtitution by adhering to its ſpirit, and at other times they ſacrifice the ſpirit by adhering ſtrictly to the letter. But when your Legiſlature undertakes to decide that the ſpirit of the Conſtitution is directly contrary to its expreſs letter, where is the power in the nation that ſhould controul them? The ſame power which will always be ſufficient to controul a Legiſlature, of which the people are a conſtituent part; it is the ſpirit of the people.—Let your legiſlative and executive authorities be ſo conſtituted, as to prevent every eſſential, or dangerous abuſe of the powers delegated, but depend upon the honeſt and enlightened ſpirit of the people for a ſecurity which you never will obtain, by merely withholding your powers, unleſs that ſpirit ſhould be conſtantly

kept up. Divide your power ſo that every part of it may at all times be uſed for your advantage, but in ſuch a manner, that your rights may never depend upon the will of any one man or body of men; entruſt even the power of altering your Conſtitution itſelf, becauſe occaſions may ariſe, when the uſe even of that power may be abſolutely neceſſary for your own welfare, when, at the ſame time, it may be impoſſible for you to act in your original character, with the expedition neceſſary for your ſalvation: but reſerve to yourſelves a concurrent power of altering the Conſtitution in your own perſons, becauſe by the decay to which all the works of man are liable, it is poſſible that your Legiſlature may become incompetent to make ſuch alterations as may be neceſſary. But when the people are conſtantly repreſented in the Legiſlature, I believe they will never find it neceſſary to recur to their original character, in order to make any alterations, which they may deem expedient, unleſs they deny the power of making them to their Legiſlature.

" But," ſays Mr. Pain, " there is a paradox in " the idea of vitiated bodies reforming themſelves." This muſt depend altogether upon the coincidence of the part vitiated with the part which is to apply the remedy; for unleſs the defect itſelf neceſſarily precludes the poſſibility of applying the power of reformation, the paradox ceaſes, and no more involves an abſurdity, than that a phyſician ſhould uſe his own preſcriptions to cure himſelf of a diſorder,

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The very act by which septennial Parliaments were established in England, affords sufficient proof that the power of altering the Constitution itself ought to be delegated, and even exercised by the Government upon certain critical occasions. That act was made at a time when the kingdom was threatened with an immediate invasion, when a rebellion had but just been quelled, and when the peace and safety of the nation depended upon the use of this power by the Parliament; such was the opinion of the people at that time, and the act met with general approbation, from the general conviction of its necessity. Such occasions may happen in the history of every free people, and it is therefore proper that the power should be delegated. Upon the principles of equal liberty, upon the principles of public happiness, and therefore of political expedience, I think it may be fairly concluded, that Mr. Pain's preference of the French to the English Constitution, so far as it relates to this article, is not founded in truth.

FINIS.